



2017-18 CIVIL RIGHTS DATA COLLECTION

THE USE OF RESTRAINT AND SECLUSION ON CHILDREN WITH DISABILITIES IN K-12 SCHOOLS

WHAT IS THE 2017-18 CIVIL RIGHTS DATA COLLECTION?

The 2017–18 Civil Rights Data Collection (CRDC) is a survey of nearly all public schools and school districts in the United States.¹ The CRDC measures student access to courses, programs, staff, and resources that relate to Federal civil rights laws. The CRDC has long provided important information used by the U.S. Department of Education's (Department) Office for Civil Rights (OCR) in its enforcement and monitoring activities. As a collection, the CRDC is an aggregate of self-collected and self-reported data. Almost all reporting entities are school districts, and the district superintendent or an authorized designee certifies that the data they submit are true and correct.

In addition, the CRDC is a resource for other Federal agencies, policymakers, researchers, educators, school officials, parents, students, and other members of the public. To further explore the CRDC through the use of data tools, please visit the CRDC Reporting Website at ocrdata.ed.gov. To download the 2017-18 CRDC, visit crdc.ed.gov.

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¹ The CRDC includes local educational agencies (LEAs) in all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. Other U.S. territories, tribal schools operated by the U.S. Department of the Interior's Bureau of Indian Education, or schools operated by the U.S. Department of Defense Education Activity are not currently required to participate in the CRDC. In addition, if a public school's enrollment for a school year was less than five students for fewer than 60 days, OCR may exempt that school from CRDC reporting. This report uses data received as of December 15, 2019.

WHO IS IN THE 2017–18 CRDC?



Number of school districts:

17,604



Number of schools:

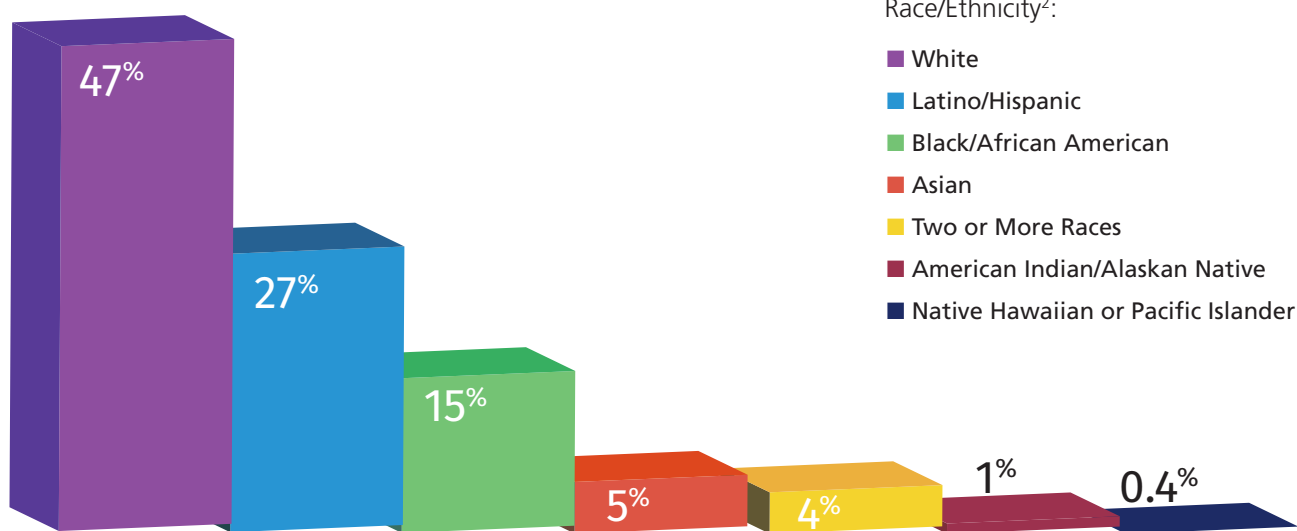
97,632



Total number of students:

50.9 million

Nationwide Student Demographics



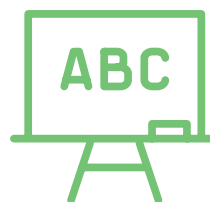
Boys:

51%



Girls:

49%



English Learners:

10%

Students with Disabilities: **16%**

Students with disabilities served under the Individuals with Disabilities Education Act (IDEA):

13%

Students with disabilities served only under Section 504 of the Rehabilitation Act, as amended (Section 504):

3%

² The CRDC reports students using the seven racial/ethnic categories found in the U.S. Department of Education's Final Guidance on Collecting, Maintaining and Reporting Data on Race and Ethnicity. The Final Guidance can be found at <http://nces.ed.gov/pubs2008/rediguide/pdf/appendixA.pdf>. For brevity in this report, the racial/ethnic categories are referred to as "race." Likewise, race, color, or national origin – as referenced in Title VI of the Civil Rights Act of 1964 – is, for purposes of this report, referred to as "race."

INITIATIVE TO ADDRESS THE INAPPROPRIATE USE OF RESTRAINT AND SECLUSION

On January 17, 2019, U.S. Secretary of Education Betsy DeVos announced the U.S. Department of Education's (Department) initiative to address the possible inappropriate use of restraint and seclusion in our nation's public elementary and secondary schools as it applies to students with disabilities.³ The initiative is intended to alert schools to their obligations under Federal law to make sure that students with disabilities receive a free appropriate public education (FAPE) under Section 504 of the Rehabilitation Act of 1973 (Section 504).

The initiative, a first of its kind, partnered OCR with the Department's Office of Special Education and Rehabilitative Services (OSERS) to provide support and technical assistance to schools in a way that would strengthen protections for children with disabilities. Together, OCR and OSERS oversee the initiative, which includes three components that draw on the work and expertise of both offices and their staff:

1. Nationwide compliance reviews conducted by all twelve of OCR's enforcement offices to examine various recipients' use of restraint and seclusion;
2. Data Quality Reviews (DQRs) conducted by OCR to improve the quality of restraint and seclusion data submitted as part of the CRDC; and
3. Technical assistance provided by OCR and OSERS to schools and school districts.

Since the announcement of the initiative in January 2019, OCR and OSERS have made significant progress toward fulfilling Secretary DeVos's commitment to ensuring that students with disabilities are fully protected under federal civil rights laws, as set forth below.

1. COMPLIANCE REVIEWS

In January 2019, OCR's regional offices launched 23 compliance reviews focused on recipients' restraint and seclusion of students with disabilities. These compliance reviews focus on the possible inappropriate use of restraint and seclusion, and the effect of such practices on the recipient's obligation to provide a FAPE for all students with disabilities. In the course of each review, the OCR regional offices work to identify any potential compliance concerns and, if identified, work with the recipient to appropriately address the concern.

2. DATA QUALITY REVIEWS IN THE CRDC

In a pioneering initiative to improve civil rights data quality, OCR initiated, for the first time, Data Quality Reviews (DQRs) to conduct a thorough examination of districts' submissions of restraint and seclusion data. As a part of this process, OCR issued letters to 50 school districts that had reported apparently anomalous data to the CRDC. As a result of this outreach, many school districts sent corrected data, and others have certified that their data, although they appeared anomalous, were in fact correct. For districts that submitted incorrect data, OCR is providing technical assistance and taking steps to correct data submissions for future collections.

3. TECHNICAL ASSISTANCE

The Department also proactively provides restraint and seclusion technical assistance to state educational agencies (SEAs) and school districts to ensure they are collecting and reporting accurate data to the CRDC and understand the legal requirements of students with disabilities served only under Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and the Individuals with Disabilities Education Act (IDEA). Beginning in July 2019, OCR and OSERS led a number of presentations on the topic of collecting and reporting accurate restraint and seclusion data. OCR and OSERS launched a webinar, "Students with Disabilities and the Use of Restraint and Seclusion in K-12 Public Schools," to ensure that the schools who serve those students are aware of their legal obligations under Federal civil rights laws. This webinar has been viewed over 21,000 times. OCR will continue to work with school districts and states to provide technical assistance, including working with school districts where ongoing investigations or compliance reviews are being conducted.

³ "U.S. Department of Education Announces Initiative to Address the Inappropriate Use of Restraint and Seclusion to Protect Children with Disabilities, Ensure Compliance with Federal Laws," press release, January 17, 2019, <https://www.ed.gov/news/press-releases/us-department-education-announces-initiative-address-inappropriate-use-restraint-and-seclusion-protect-children-disabilities-ensure-compliance-federal-laws>

RESTRAINT AND SECLUSION DATA QUALITY IMPROVEMENTS

Over the past two years, OCR has made significant strides in improving the CRDC's data quality. Improving the data quality of restraint and seclusion data has been a particular priority for OCR and this Administration. For example, OCR conducted data quality checks when the data indicated any of the following:

1. Reports of identical counts across students subjected to mechanical restraint, students subjected to physical restraint, and students subjected to seclusion for students not served by IDEA (non-IDEA students) and IDEA students (e.g., if each entry were "25");
2. Reports of identical counts across instances (rather than students) of mechanical restraint, instances of physical restraint, and instances of seclusion for non-IDEA students and IDEA students;
3. Instances where overall enrollment by sex and race/ethnicity is smaller than students who were subjected to mechanical restraint, physical restraint, and seclusion by sex and race/ethnicity for non-IDEA and IDEA students; and
4. School districts with zero instances of mechanical restraint, physical restraint, or seclusion with enrollment that is greater than or equal to 25,000 students.

In addition to the foregoing specific data quality checks, general data quality checks were conducted on all restraint and seclusion data elements. These post-collection data quality checks focused on detecting (a) outliers for individual data elements, (b) significant value changes in individual data elements between the 2015-16 and 2017-18 data collections, and (c) outliers within the entire restraint and seclusion module.

The post-collection outreach to school districts specific to restraint and seclusion focused on the use of nulls and zeros, in addition to targeted outreach about the general and specific checks described above. In total, the CRDC's Partner Support Center conducted outreach to 15,526 local education agencies (LEAs), a marked increase from 4,386 LEAs contacted for the 2015-16 outreach period. As a result of OCR's proactive outreach efforts, 952 LEAs amended their original 2017-18 restraint and seclusion data submissions from June 2019 to August 2019. During the extended data corrections, which ran from September to December 2019, another 196 LEAs corrected their 2017-18 restraint and seclusion data submissions.

RESTRAINT AND SECLUSION FOR STUDENTS WITH DISABILITIES IN THE 2017-18 COLLECTION[†]

In conjunction with the Department's restraint and seclusion initiative, OCR is presenting this issue brief to highlight the data it has collected relevant to this issue.

Beginning with the 2009-10 data collection, OCR began collecting data on the physical and mechanical restraint of students, along with the seclusion of students. Under the CRDC, physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

While Federal law does not specifically prohibit the use of restraint and seclusion, there are circumstances under Section 504 and Title II in which the use of restraint and seclusion may constitute discrimination against students with disabilities. More specifically, in some cases, the use of restraint and seclusion may result in unlawful discrimination against individual students with disabilities in violation of Federal civil rights laws. Although the laws that OCR enforces do not address the use of restraint and seclusion, many states and school districts have laws or policies that ban or restrict its use. The Department's initiative supports state and local efforts to address the impact of restraint and seclusion on students with disabilities. In fact, OCR's initiative and the data collected and presented in the CRDC assist both states and schools in these efforts. As discussed below, restraint and seclusion data for individual schools and school districts are available on the CRDC website, and OCR has taken important steps to improve data quality, which will help states use this data effectively. OCR will continue to prioritize this issue – and will work to provide states and school districts with the resources to support children with disabilities and ensure that all students learn in environments free from discrimination.

The statistical data in this issue brief presents national data on the use of restraint and seclusion; it does not represent individual school-level data or district-level data, nor does it capture the circumstances surrounding the use of restraint and seclusion. School district and school level data is available at ocrdata.ed.gov. While national data are useful and informative, they are limited and do not reflect the unique factors or the individualized decisions regarding the use of restraint and seclusion. It is OCR's expectation that all school districts and schools fully protect the rights of all students, including students with disabilities.

DATA OVERVIEW

Figure 1. The total number of students enrolled vs. the total number of students who were subjected to restraint or seclusion

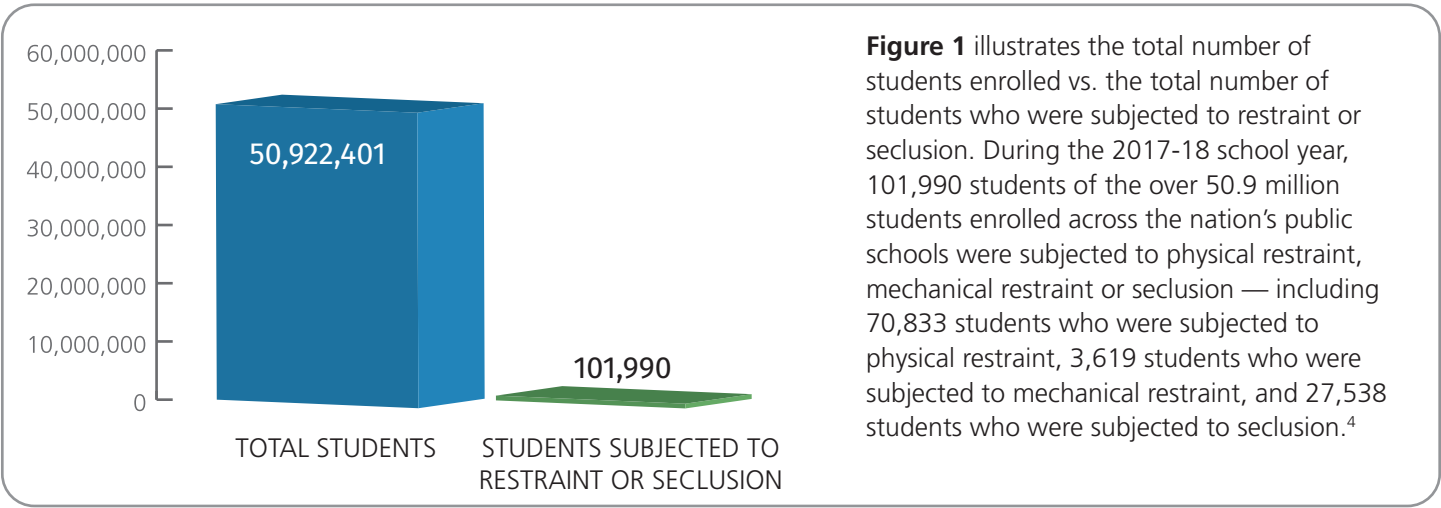
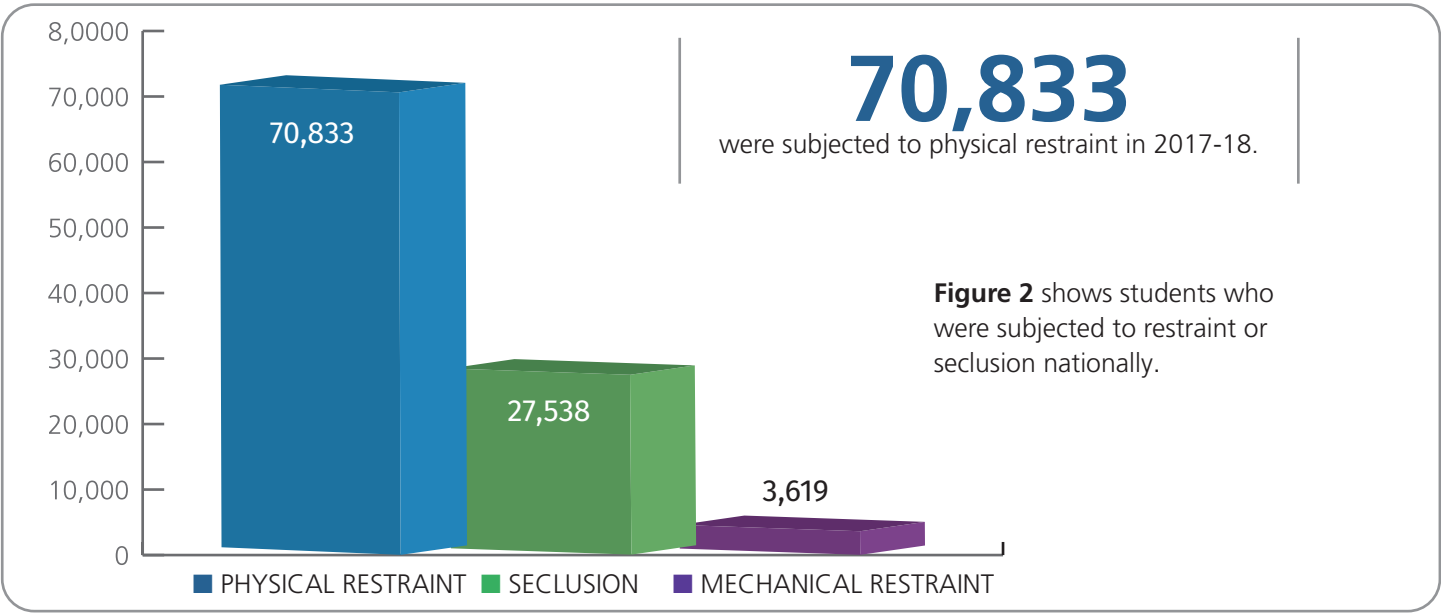


Figure 2. Students who were subjected to restraint or seclusion nationally



⁴ The counts for students who were subjected to physical restraint, students who were subjected to mechanical restraint, and students who were subjected to seclusion are not mutually exclusive. For example, if a student was physically restrained and secluded, the student would be counted once in each category. Thus the total of 101,990 may not represent the actual number of individual students affected.

RESTRAINT AND SECLUSION BY DISABILITY (IDEA)⁵

Of the 101,990 students⁶ who were restrained at school to immobilize them or reduce their ability to move freely or were placed in seclusion — 79,676, or 78%, were students with disabilities (IDEA)⁷. Specifically, 56,905 students were subjected to physical restraint, 1,494 students were subjected to mechanical restraint, and 21,277 students were subjected to seclusion.

Figure 3. Total student enrollment, by disability (IDEA)

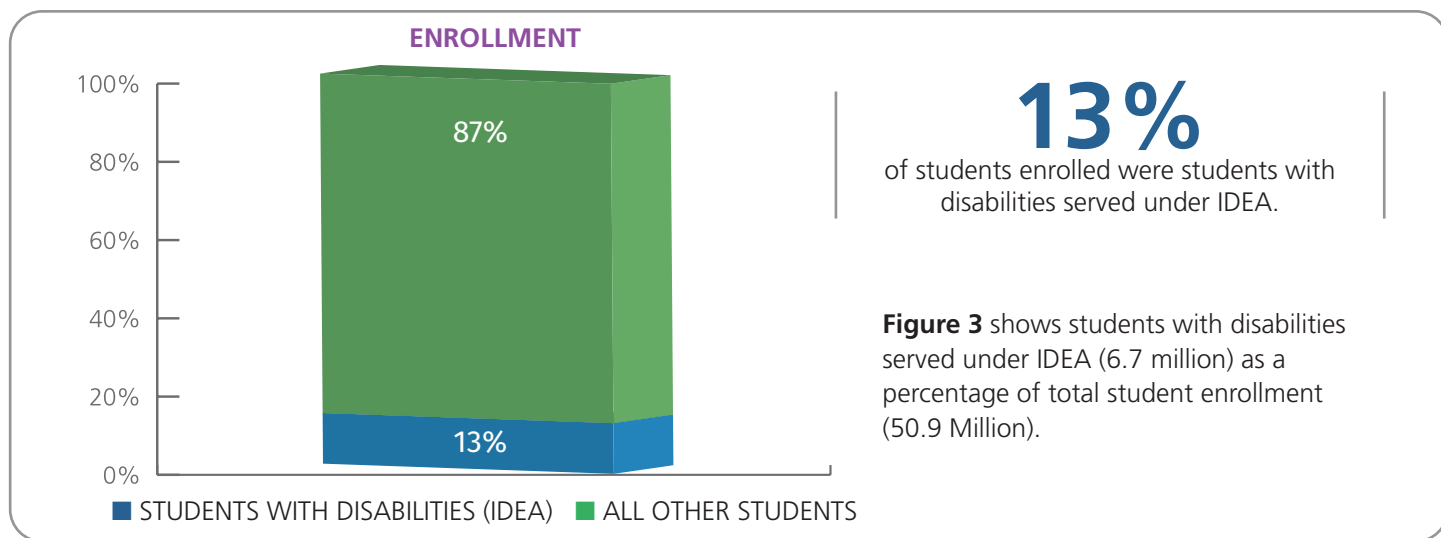
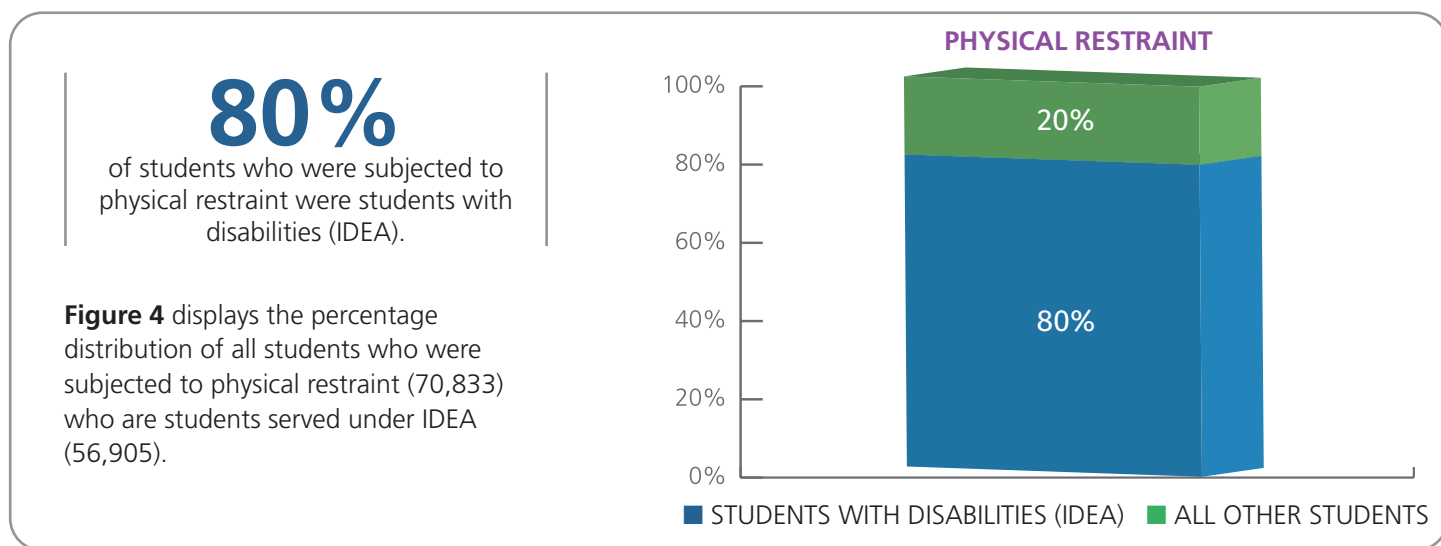


Figure 4. Percentage distribution of all students who were subjected to physical restraint, by disability (IDEA)



⁵ Students served only under Section 504 of the Rehabilitation Act of 1973 are not included in Students with Disabilities (IDEA) counts.

⁶ The counts for students who were subjected to physical restraint, students who were subjected to mechanical restraint, and students who were subjected to seclusion are not mutually exclusive. For example, if a student was physically restrained and secluded, the student would be counted once in each category. Thus, the total of 101,990 may not represent the actual number of individual students affected.

⁷ As used in this report, the term "students with disabilities (IDEA)" is used to refer to students who receive special education and related services under the Individuals with Disabilities Education Act (IDEA) according to an Individualized Education Program, Individualized Family Service Plan, or service plan. 20 U.S.C. §§ 1400-1419; 34 C.F.R. pt. 300. Part B of the IDEA addresses the obligations of states and local educational agencies (LEAs) to provide special education and related services to eligible children with disabilities. The Office of Special Education Programs (OSEP) in the Department's Office of Special Education and Rehabilitative Services (OSERS) administers the IDEA. The national percentages reported by OSEP may differ from those reported by OCR due to differences in the population of students included in the collection. For information about the IDEA, please see osep.grads360.org and www.ed.gov/osers/osep/index.html.

Figure 5. Percentage distribution of all students who were subjected to mechanical restraint, by disability (IDEA)

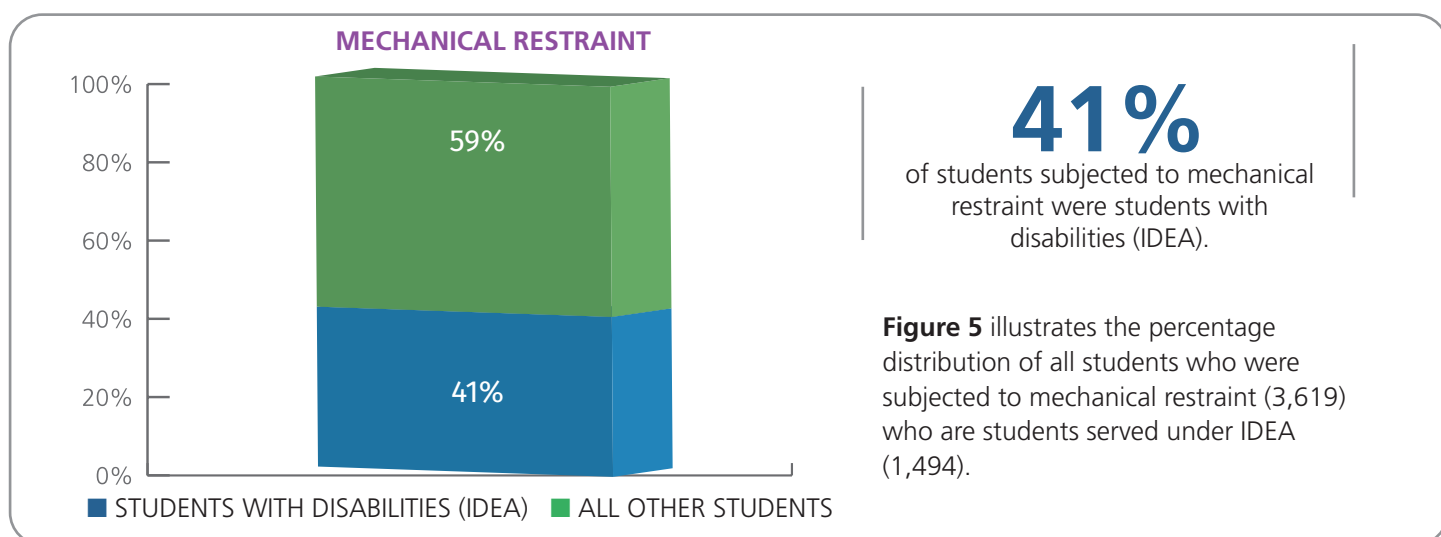
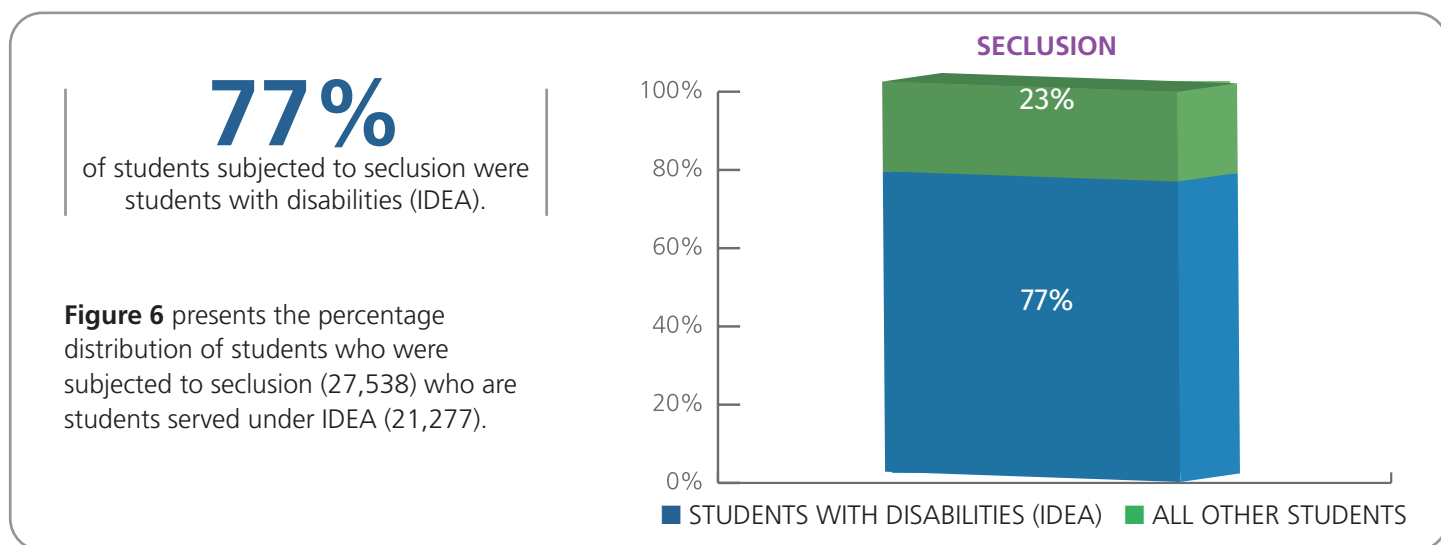


Figure 6. Percentage distribution of all students who were subjected to seclusion, by disability (IDEA)



RESTRAINT AND SECLUSION BY DISABILITY (SECTION 504)⁸

Of the 101,990 students who were subjected to restraint or seclusion, 1,398 students were served under Section 504. This includes 912 Section 504 students who were subjected to physical restraint, 153 who were subjected to mechanical restraint, and 333 who were subjected to seclusion.

Figure 7. Total student enrollment, by disability (Section 504)

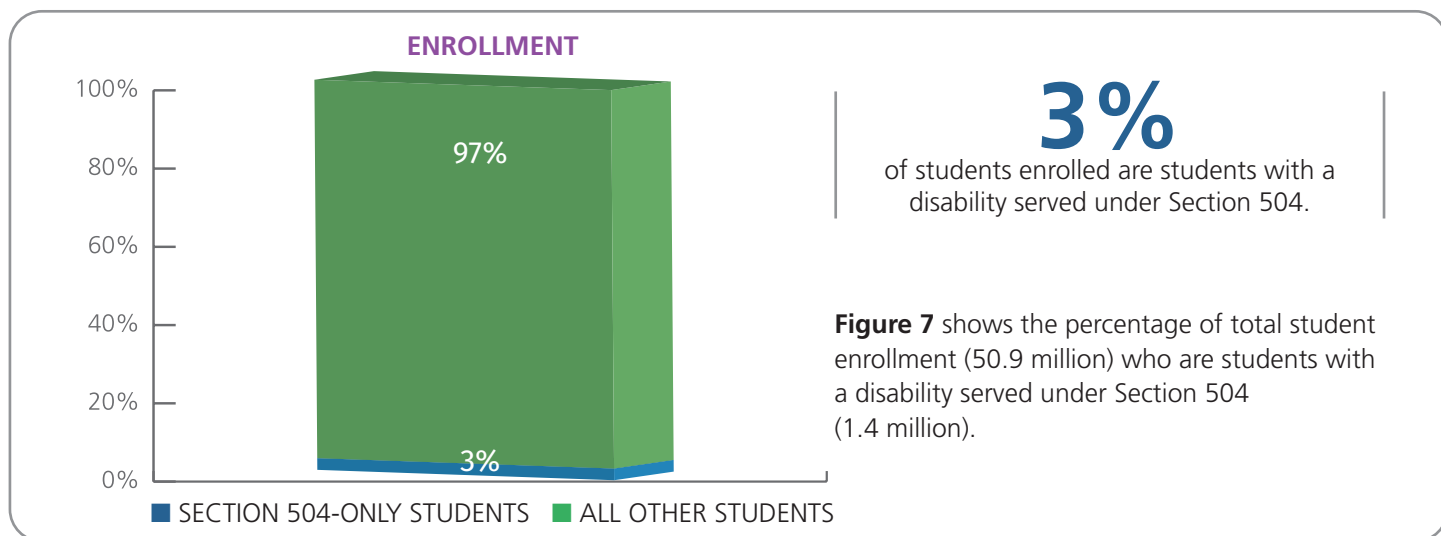
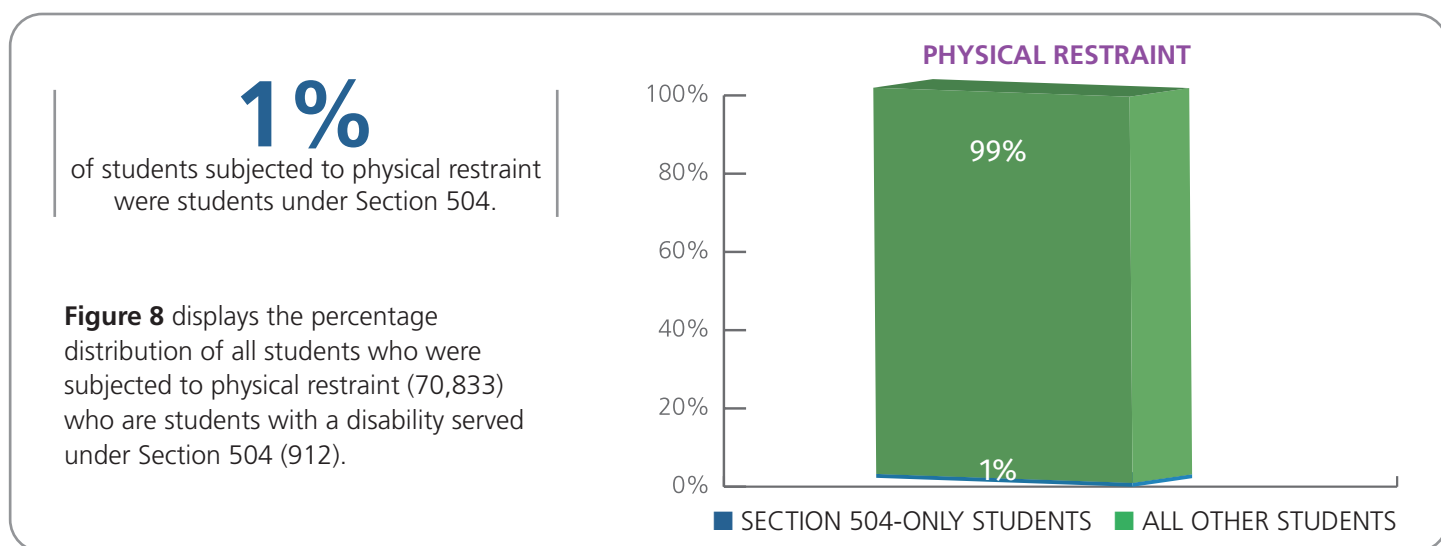


Figure 8. Percentage distribution of students who were subjected to physical restraint, by disability (Section 504)



⁸ This section of the report includes students with disabilities served only under Section 504 of the Rehabilitation Act of 1973 (but not IDEA).

Figure 9. Percentage distribution of students who were subjected to mechanical restraint, by disability (Section 504)

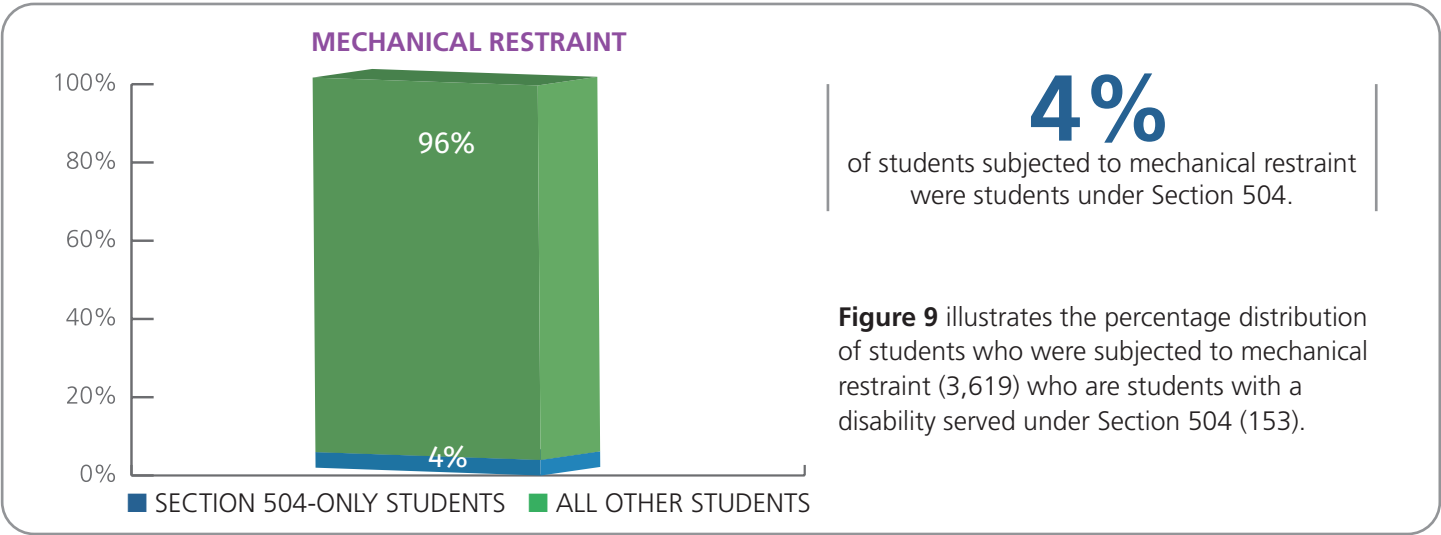
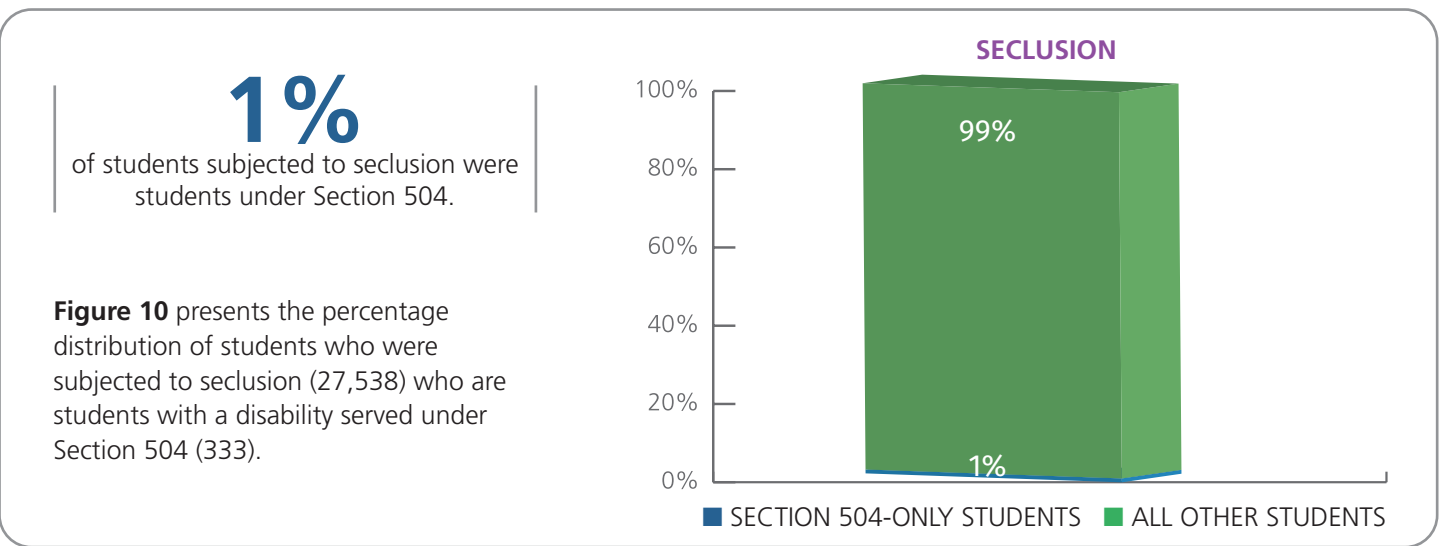


Figure 10. Percentage distribution of students who were subjected to seclusion, by disability (Section 504)



RESTRAINT AND SECLUSION OF STUDENTS WITH DISABILITIES (IDEA), BY RACE/ETHNICITY

Figure 11. Percentage distribution of students with disabilities (IDEA), by race/ethnicity

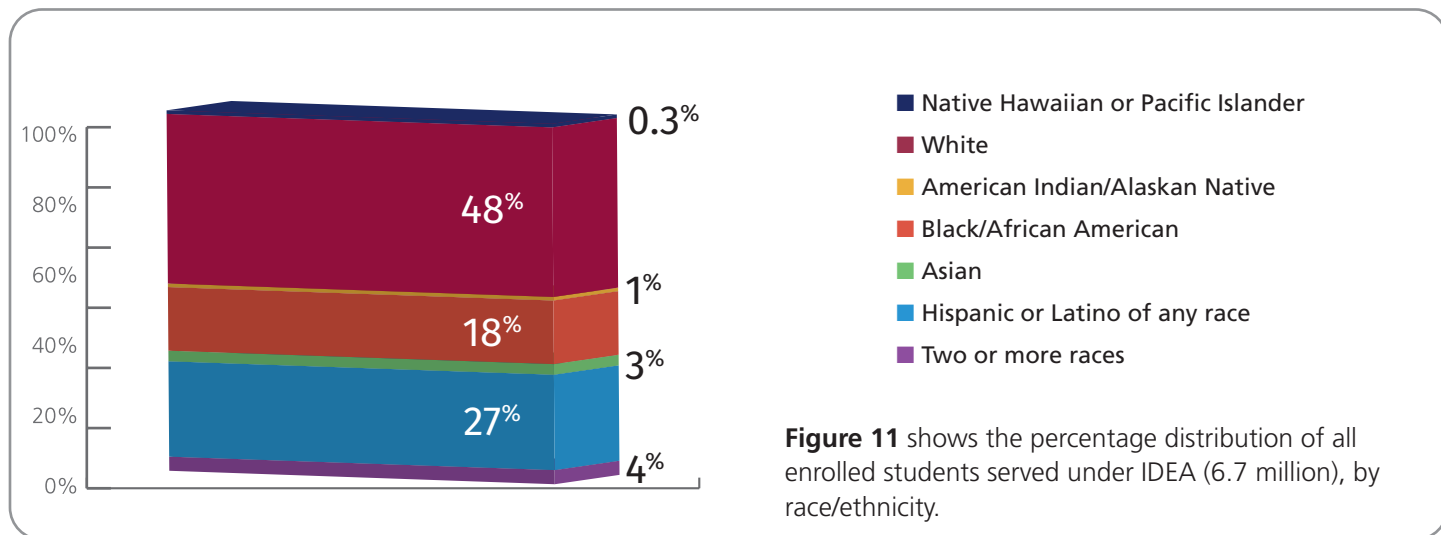


Figure 12. Percentage distribution of students with disabilities (IDEA) who were subjected to physical restraint, by race/ethnicity

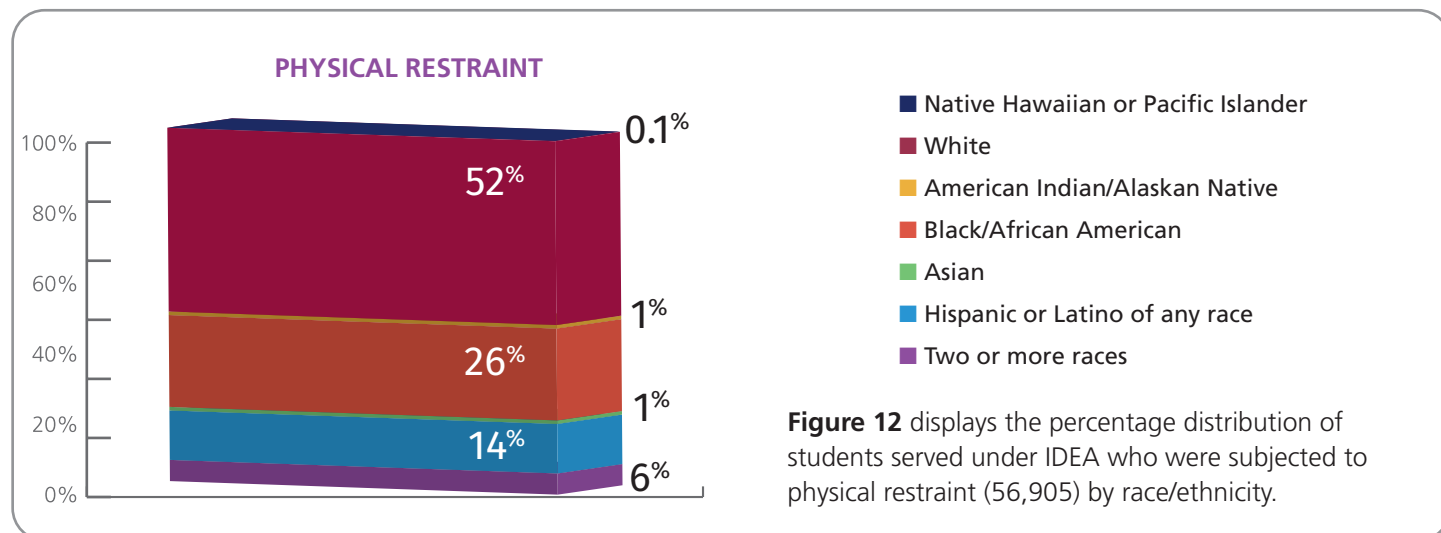


Figure 13. Percentage distribution of students with disabilities (IDEA) who were subjected to mechanical restraint, by race/ethnicity

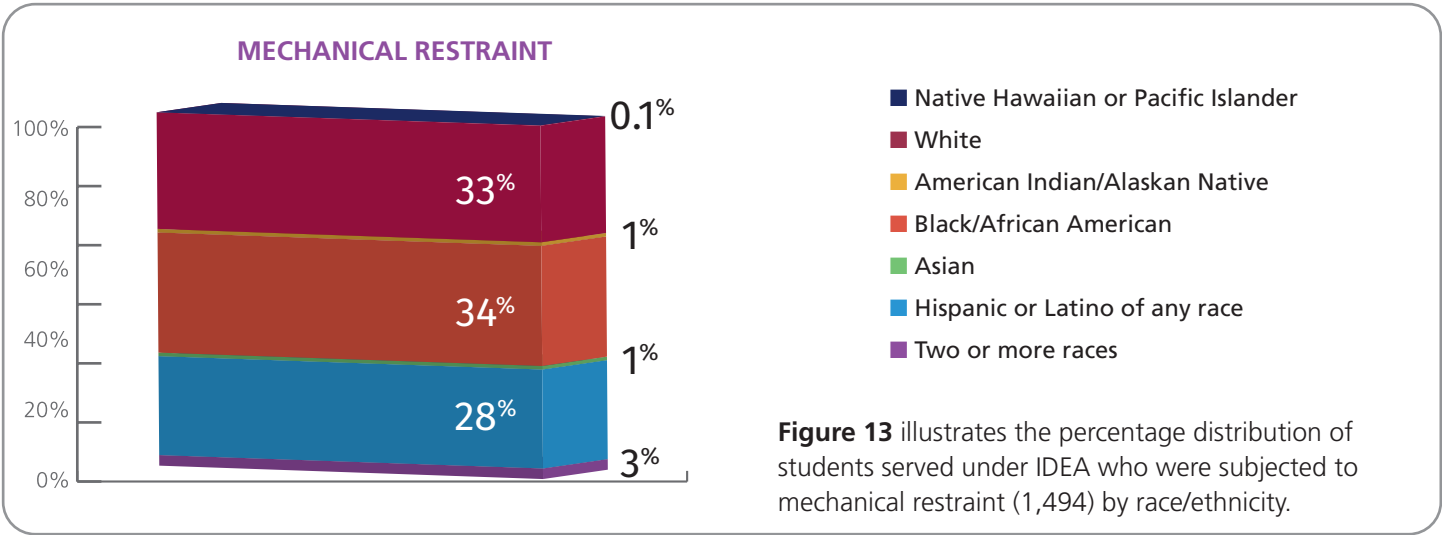
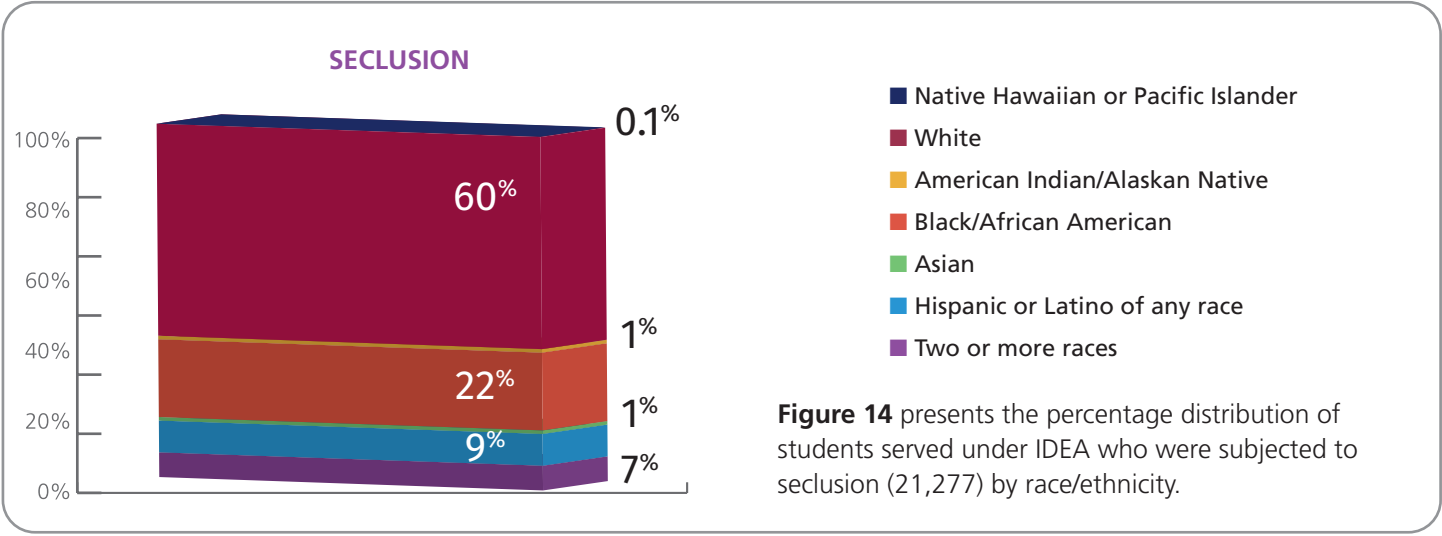


Figure 14. Percentage distribution of students with disabilities (IDEA) who were subjected to seclusion, by race/ethnicity



RESTRAINT AND SECLUSION OF STUDENTS WITH DISABILITIES (IDEA), BY SEX

Figure 15. Total student enrollment, by sex

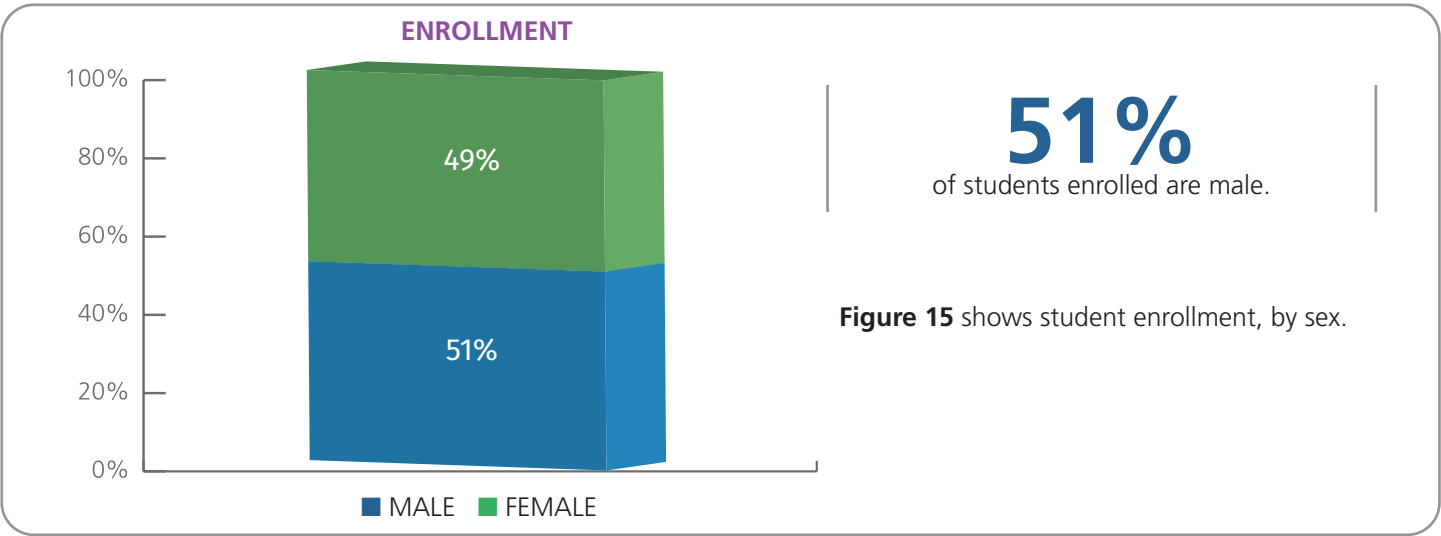


Figure 16. Students with disabilities (IDEA) enrollment, by sex

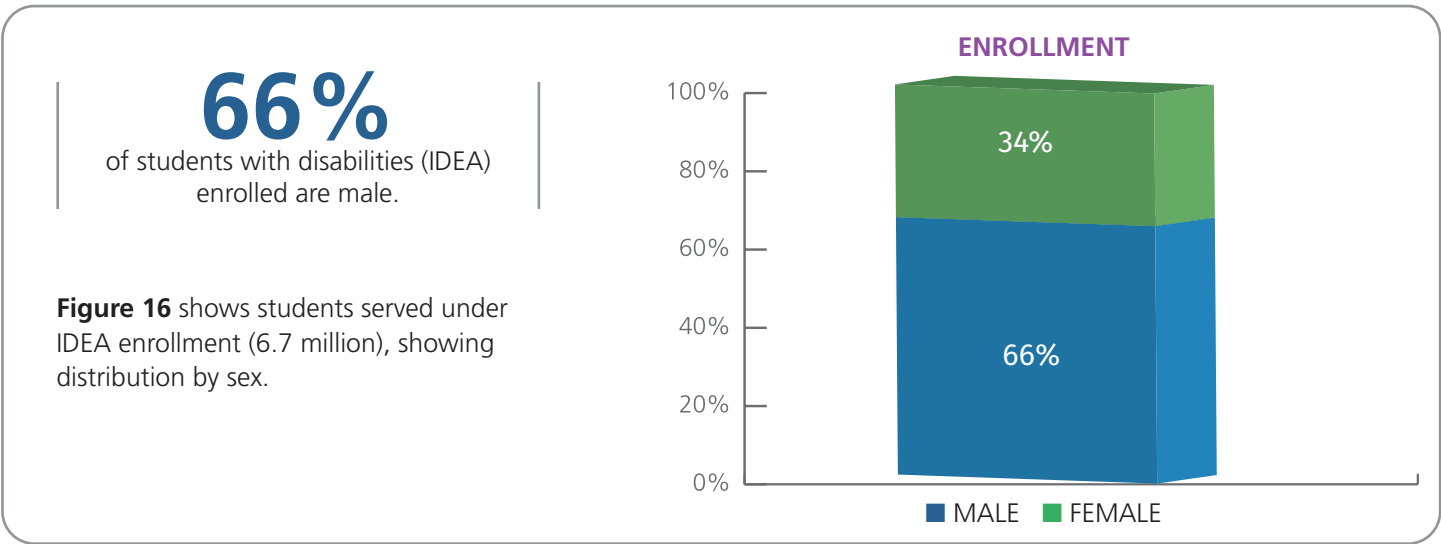


Figure 17. Percentage distribution of students with disabilities (IDEA) who were subjected to physical restraint, by sex

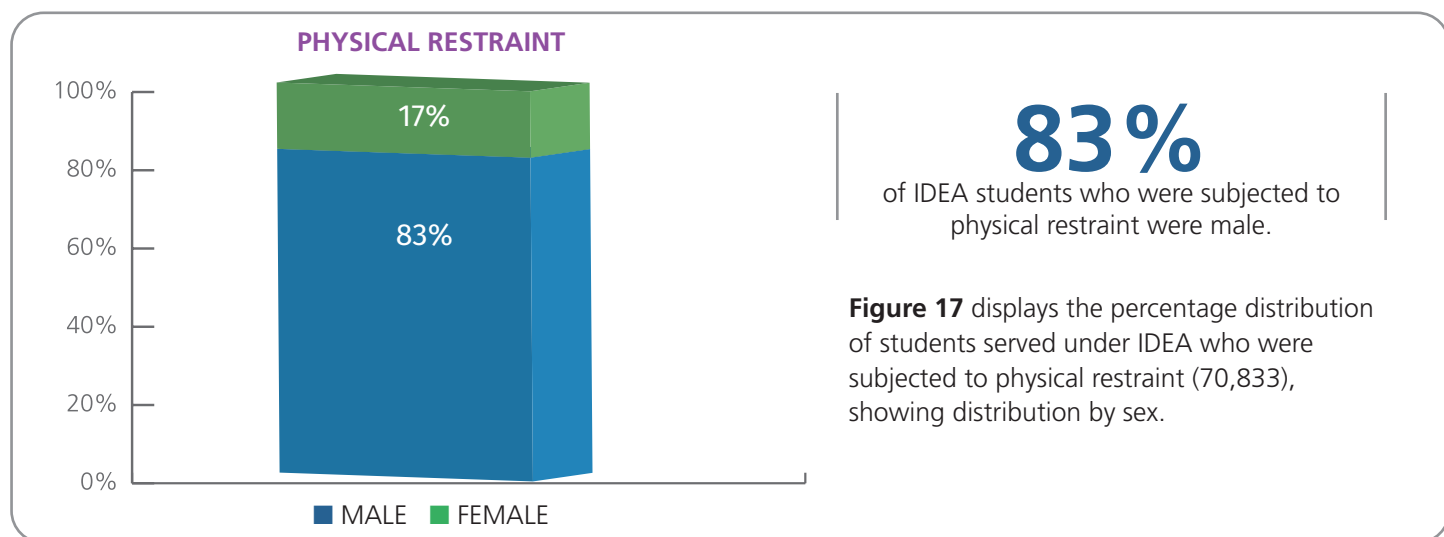


Figure 18. Percentage distribution of students with disabilities (IDEA) subjected to mechanical restraint, by sex

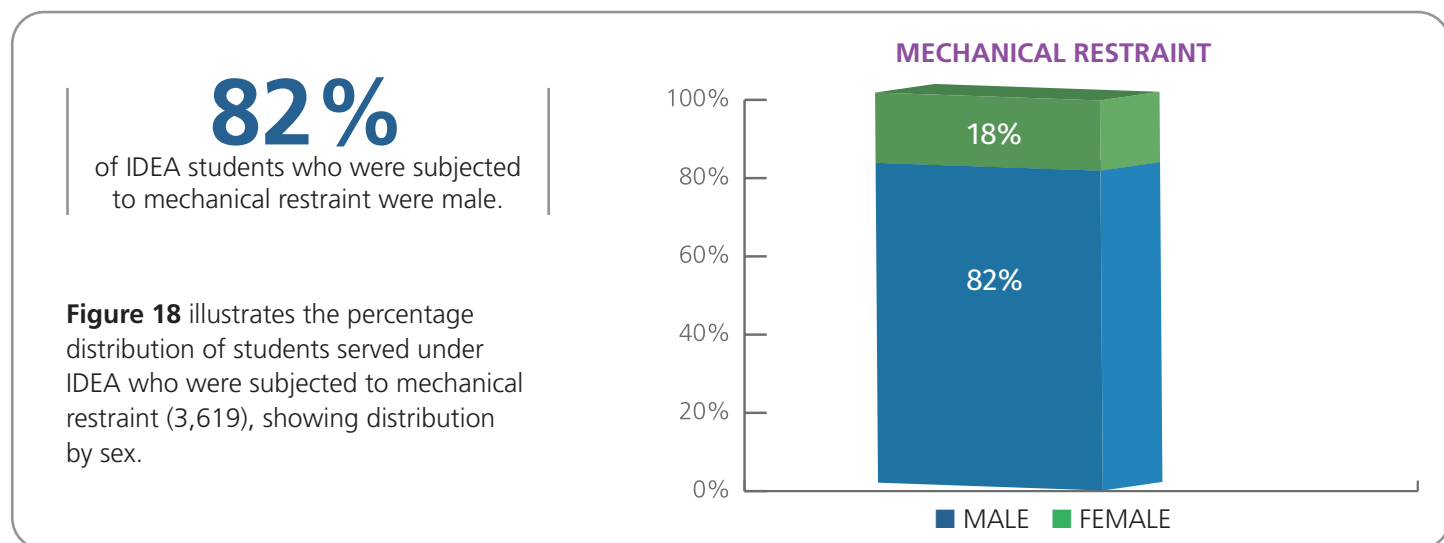
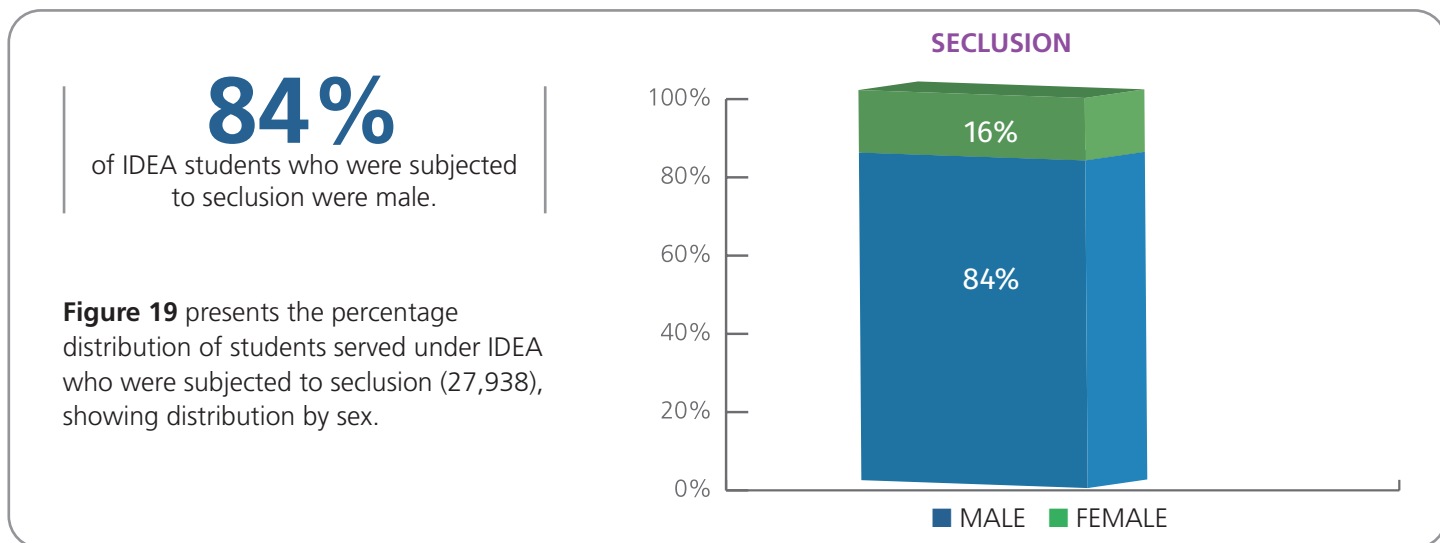


Figure 19. Percentage distribution of students with disabilities (IDEA) who were subjected to seclusion, by sex



This report does not provide other potential data analyses which may be derived from the CRDC and other sources, such as restraint and seclusion usage in different regions, states, school sizes, school types, school populations and other classifications which may enlighten interested parties. Stakeholders and interested parties can derive that information from the data that is being released concurrently with the release of this report.

DATA HIGHLIGHTS

† Note: Except where the percentage is below 1 percent, the percentages listed in these data highlights are rounded to the nearest whole number. For the survey form and full definitions of all terms mentioned in the report, visit ocrdata.ed.gov/SurveyDocuments.

MORE ABOUT THE CRDC

What is the purpose of the CRDC?

Since 1968, the U.S. Department of Education (Department) Office for Civil Rights (OCR), or its predecessor agency, has conducted the Civil Rights Data Collection (CRDC) to collect data on key education and civil rights issues in our nation's public schools.

The CRDC collects a variety of information, including student enrollment and educational programs and services, most of which is disaggregated by race, sex, English learners, and disability.

The CRDC is a longstanding and important aspect of the overall enforcement and monitoring strategy used by OCR to ensure that recipients of the Department's Federal financial assistance do not discriminate on the basis of race, color, national origin, sex, and disability.

OCR has access to CRDC data from public school districts as it investigates complaints alleging discrimination, initiates proactive compliance reviews to focus on particularly acute or nationwide civil rights compliance problems, and provides policy guidance and technical assistance to educational institutions, parents, students, and others.

In addition, the CRDC is a resource for other Department offices and Federal agencies, policymakers and researchers, educators and school officials, parents and students, and other members of the public who seek data on student equity and opportunity.

Under what authority does OCR conduct the CRDC?

Section 203(c)(1) of the 1979 Department of Education Organization Act conveys to the Assistant Secretary for Civil Rights the authority to "collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of the Office for Civil Rights." The civil rights laws enforced by OCR include:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex; and
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability.

OCR's implementing regulations for each of these statutes require recipients of the Department's Federal financial assistance to submit to OCR "complete and accurate compliance reports at such times, and in such form and containing such information" as OCR "may determine to be necessary to enable [OCR] to ascertain whether the recipient has complied or is complying" with these laws and implementing regulations (34 CFR § 100.6(b), 34 CFR § 106.81, and 34 CFR § 104.61).

For further general information about the CRDC, visit the CRDC FAQ page, <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/crdc.html>.

Availability of Alternate Format

Requests for documents in alternate formats such as braille or large print should be submitted to the Alternate Format Center by calling 202.260.0852 or emailing the Section 508 Coordinator at om_eeos@ed.gov.

Notice to Persons with Limited English Proficiency

If you have difficulty understanding English, you can request free interpretation or translation assistance for Department information that is available to the public. To find out more about these services, please call

1-800-USA-LEARN (1.800.872.5327), (TTY: 1.800.877.8339) or email us at ED.Language.Assistance@ed.gov.

You also can write to U.S. Department of Education, Information Resource Center, LBJ Education Building, 400 Maryland Avenue SW, Washington, DC, 20202.



**How to Contact the United States
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Kimberly M. Richey, Acting Assistant Secretary for Civil Rights

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